

PIEDMONT UNIFIED SCHOOL DISTRICT

Community Relations

Board Policy 1312.3

Uniform Complaint Procedures

The Board of Education recognizes that the District is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs.

The Board of Education shall use the uniform complaint procedures process to help identify and resolve any deficiencies related to: instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancy or misassignment.

The District shall also follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on ethnic group identification, religion, age, sex, race, ancestry, national origin, gender, sexual orientation, color, or physical or mental disability in any program or activity that receives or benefits from state financial assistance. This, however, shall not apply to employer/employee relations such as hiring and evaluations of staff, assignments of classrooms or duties or other issues within the purview of the Public Employees Relations Board or a Memorandum of Understanding or other collective bargaining agreement; the provision of core curricula subjects; student classroom assignments; student discipline; student advancement retention or grades; graduation requirements; homework policies and practices; selection of instructional materials; or the use of general education funds.

The District shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with state or federal law for all specified programs, including adult education, career-technical education, child development, consolidated categorical aid programs, migrant education, special education and child nutrition programs.

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

The Superintendent or designee shall meet the notification and posting requirements of 5 CCR 4622 and 4684, including the annual dissemination to students, employees, parents/guardians, district/school councils, advisory committees and other interested parties, of District complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

The Board encourages the early, informal resolution of complaints at the site level whenever possible. Upon receipt of a written complaint from an individual, public agency or organization, uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures.

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to both the District and complainant in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate a mediation process before beginning a formal compliance investigation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

The Board acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis. Notwithstanding the above, all complaints and responses regarding sufficient textbooks and instructional materials, including English learners; teacher vacancy or misassignment; and school facilities are matters of public record.

The Board shall protect all complainants and prohibit retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or participation in complaint procedures. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the District's complaint procedures as delineated in the Administrative Regulations.

Legal Reference:

EDUCATION CODE

35186 Uniform Complaint Process (Williams Case Settlement)

200-262.3 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18179 School libraries

48431.6 Academic progress and counseling review program

48985 Notices in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

52000-52049.1 School improvement programs

52160-52178 Bilingual education programs

52300-52499.6 Vocational education

52500-52616.24 Adult schools

52800-52870 School-based coordinated programs
54000-54041 Economic impact aid programs
54100-54145 Miller-Unruh Basic Reading Act
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56885 Special education programs
59000-59300 Special schools and centers
62000-62008 Evaluation and sunseting of programs
64000-64001 Consolidated application process
CODE OF REGULATIONS, TITLE 5
3080 Application of section
4600-4671 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs
receiving state financial assistance

PENAL CODE

422.6 Interference with constitutional right or privilege

Management Resources:

WEB SITES

CDE: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/offices/OCR>

Adopted: November 10, 1999
Revised: May 28, 2003
Revised: November 19, 2003
Revised: January 24, 2006

Piedmont Unified School District
Administrative Regulation

Community Relations

AR 1312.3

UNIFORM COMPLAINT PROCEDURES

Compliance Officers

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

The Board of Education designates the following compliance officers to receive and investigate complaints and ensure District compliance with law:

Complaints Concerning School Facilities:

Assistant Superintendent, Business Services
760 Magnolia Ave.
Piedmont, CA 94611
(510) 594-2654

Complaints Concerning District Employees, Teacher Assignment/Misassignment, and/or Instructional and/or Library Materials:

Superintendent
760 Magnolia Ave.
Piedmont, CA 94611
(510) 594-2614

Complaints Concerning Discrimination / Hate-Motivated Incidents And Hate Crimes / Hazing / Harassment (Including Sexual Harassment), Intimidation, Bullying And Cyberbullying:

Director of Curriculum and Instruction
760 Magnolia Ave., Piedmont, CA 94611
(510) 594-2686

In addition to serving as the compliance officer and responsible employee pursuant to these Uniform Complaint Procedures, the district designates the individual identified above as the employee(s) responsible for coordinating the district's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation,

gender, gender identity, gender expression, or any other legally protected status; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 9124 -Attorney)

Notifications

The Superintendent or designee shall meet the notification requirements of 5 CCR 4622 and 4684, including the annual dissemination of District complaint procedures.

Complainants may seek help from agencies such as legal assistance agencies, local mediation centers or the county office of education. Local resources include:

Alameda County Office of Education 313 W. Winton Avenue
Hayward, California 94544-1198

Procedures

The following procedures shall be used to address complaints which allege that the District has violated federal or state laws or regulations governing educational programs, as follows:

- Adult Education
- Career-Technical Education
- Child Development
- Consolidated Categorical Aid Programs
- Migrant Education
- Special Education
- Child Nutrition programs

Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4632.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled and when a decision or ruling is made.

Steps for Filing A Complaint on Issues of Educational Programs (see above list)

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the District. A complaint may be filed anonymously.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination.

The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (5 CCR 4630)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint (5 CCR 4600).
When 15 percent or more of the students in the school speak a single primary language

other than English, all notices to parents or guardian regarding complaint procedures shall be in the student's primary language in addition to English (Education Code Section 48985; 5 CCR 4620-4652). The fifteen percent shall be determined from the census data submitted to the Department of Education in the preceding year, pursuant to Education Code Section 52164.

Step 2: Interim Measures

After a report or complaint is received, the responsible administrator (Principal or designee and/or the District's compliance officer) shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the responsible administrator shall implement reasonable measures to stop, prevent or address the effects of the alleged discrimination, including discriminatory intimidation or retaliation, harassment, or bullying during and pending any information resolution and/or investigation. The interim measures may include such actions as no-contact directives, increased supervision, placing students in separate classes, or transferring a student to a class taught by a different teacher. To the extent possible, interim measures will be implemented in a manner that minimizes the burden on the individual who was the target of the alleged discrimination. Where sexual harassment or sexual violence is alleged, interim measures shall be determined pursuant to AR 5145.3.

Step 3: Mediation

Except in complaints alleging sexual violence, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the District's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

Step 4: Investigation of Complaint

The compliance officer shall hold an investigative meeting within ten school days of receiving the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative and the district's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (5 CCR 4631)

For complaints of sexual harassment or sexual violence, the responsible administrator shall follow the procedures set forth in in AR 5145.3 for investigation of complaints at school and additional procedures related to sexual harassment or sexual violence.

Step 5: Response

Within 60 days of receiving the complaint, the compliance officer shall prepare and send to the complainant and the respondent a written report of the district's investigation and decision (5 CCR 4631), unless the complainant agrees in writing to an extension of time. The decision shall maintain any applicable confidentiality rights of the parties and be issued in consideration of any legal limitations based on such confidentiality.

Step 6: Final Written Decision

A written report of the district's decision shall be sent to the complainant and the respondent. The report of the District's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the District shall arrange a meeting at which a community member will interpret it for the complainant. This report shall include:

1. The findings and disposition of the complaint, including corrective actions, if any (5 CCR 4631)
2. The rationale for the above disposition (5 CCR 4631)
3. Notice of the complainant's right to appeal the decision within fifteen days to the California Department of Education, and procedures to be followed for initiating such an appeal. (5 CCR 4631)

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

Filing a Complaint on Issues of Instructional Materials, Teacher Vacancy or Misassignment, and School Facilities

Step 1: Filing of Complaint

The complaint must first be filed with the principal of the school. A complaint about problems beyond the authority of the school principal shall be forwarded within 10 working days to the Superintendent or designee for resolution. These complaints may be filed anonymously, however, only a complainant who identifies himself/herself is entitled to a response. Additionally, all complaints and responses are public records.

Step 2: Mediation

If the filing of a complaint does not bring about a resolution or if a direct request is received by the State for direct intervention, the State will make a determination whether direct intervention is warranted, and shall conduct an investigation, including an on-site investigation, if necessary. The State will complete its investigation within sixty (60) days after receiving a request.

Appeals to the California Department of Education

If dissatisfied with the District's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (5 CCR 4652)

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. (5 CCR 4652)

The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district. (5 CCR 4650)

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the District has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

Approved: November 10, 1999

Revised: September 11, 2002

Revised: May 28, 2003

Revised: November 19, 2003

Revised: January 24, 2006

Revised: January 23, 2007

P I E D M O N T U N I F I E D S C H O O L D I S T R I C T
7 6 0 M a g n o l i a A v e n u e
P i e d m o n t , C A 9 4 6 1 1

UNIFORM & GENERAL COMPLAINT FORM

NAME OF COMPLAINANT: _____

COMPLAINANT ADDRESS: _____

TELEPHONE: _____

(Complaint may be anonymous, if so desired; however, no action can be reported back to complainant without this information).

Employee complaints regarding discrimination or harassment will follow the guidelines indicated in their respective bargaining agreements.

PLEASE MARK THE ISSUE(S) TO WHICH THE COMPLAINT IS MADE:

*Use Exhibit Form 1312.3-A for complaints about emergency urgent school facilities conditions that pose a threat to health/safety of pupils or staff	() Complaint About Sexual Harassment	() Complaint About Library Materials (must also complete form E 1312.21 in Policy Binder)
*Use Exhibit Form 1312.3-A for complaints about a Teacher Vacancy or Teacher Teaching Out of Credentialed Area (Misassignment)	() Complaint About Discrimination	() Complaint About Quality of Educational Program
*Use Exhibit Form 1312.3-A for complaints about insufficiency of Textbooks / Instructional Materials, including materials for English Learners	() Complaint About School Administrator, Teacher, Other Staff	() Complaint About Any of the following Categorical Programs: (circle) <ul style="list-style-type: none">. Adult Education. Consolidated Categorical Aid Programs. Migrant Education. Vocational Education. Child Care & Dev. Programs. Child Nutrition Programs. Special Education Programs. Federal School Safety Planning Requirements

*** These are complaints under the *Williams Lawsuit Settlement***

Please state your complaint in detail below (please attach another sheet of paper, if necessary).

Please describe efforts to discuss issue with the Administrative, Certificated or Classified Staff Member (if relevant to your complaint):

Please describe efforts to satisfactorily resolve the complaint with the Site Principal/Program Manager (if relevant to your complaint):

Please indicate the action you wish taken and the reason(s) why it is felt that such action should be taken:

If you feel a satisfactory solution has not been reached with the Staff Member, Site Principal/Program Manager, please request a meeting with the Superintendent of Schools, 760 Magnolia Avenue, Piedmont, CA 94611, **in writing**, and include a copy of this Uniform & General Complaint Form with the letter.

Should this matter still not be resolved after speaking with the Superintendent/designee, or is a matter beyond the Superintendent's/designee's authority, you may submit a request **in writing**, for a hearing by the Board of Education. The Complainant shall be advised in writing of the Board's decision no more than thirty (30) days following the hearing.

DATE COMPLAINT FORM SIGNED: _____

SIGNATURE OF COMPLAINANT: _____

For District Use Only

Person Receiving Complaint Form: _____ Date Received: _____

Action Taken as Result of Complaint: _____ Date: _____

PIEDMONT UNIFIED SCHOOL DISTRICT
Community Relations

WILLIAMS UNIFORM COMPLAINT FORM
(Education Code 35186)

Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? ☐ Yes ☐ No

Contact Information:

Name: _____

Address: _____

Phone Number: _____ Day: _____ Evening: _____

Room Number or Name of Room: _____

Date problem was observed: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please use the appropriate district complaint procedure.

Specific issue(s) of the complaint. Please check all that apply:

1. Textbooks and instructional materials:
 - ☐ A student lacks textbooks or instructional materials to use in class.
 - ☐ A student does not have access to instructional materials to use at home or after school to complete homework assignments.
 - ☐ Textbooks or instructional materials are in poor or unusable conditions, having missing pages, or are unreadable due to damage.
2. Teacher vacancy or misassignment:
 - ☐ A semester begins and a certificated teacher is not assigned to teach the class.
 - ☐ A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20% English learners in the class.
 - ☐ A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
3. Facility conditions:
 - ☐ A condition exists that poses an emergency or urgent threat to the health or safety of students or staff as defined in AR 1312.3.

Please describe the issue of your complaint in detail. You may attach additional pages if necessary to fully describe the situation. _____

Please file this complaint with the person specified below at the following location:

(Principal or Title of Designee)

(Address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(Signature)

(Date)